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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,484	05/07/2001	Bernhard Fischer	37974-0156	1519

26633 7590 06/17/2004

HELLER EHRMAN WHITE & MCAULIFFE LLP  
1666 K STREET,NW  
SUITE 300  
WASHINGTON, DC 20006

EXAMINER
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ROBINSON, HOPE A

ART UNIT	PAPER NUMBER
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1653

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

060504

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The amendments filed on December 2, 2003 and March 22, 2004 are considered non-compliant because they failed to meet the requirements of 37 CFR 1.121 as amended on June 30, 2003 (see 68 Fed. Reg. 38611, June 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), i.e. the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h). Regarding the amendments to the claims, each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. For example, claims 51 and 55 are labeled as "previously presented", however, the word "elution" is underlined in the claim as being inserted (thus the claim is amended and should be labeled "currently amended"). The secondary issue is that claims identified as "previously amended" have been amended and the PTO was not instructed to amend these claims, see for example claims 51 and 55. In an amendment filed on May 7, 2001 new claims 44-63 were submitted. In an amendment filed December 2, 2003 claims 51 and 55 were labeled "previously presented" bearing amendments not previously entered. Note that the Supplemental amendment filed on March 22, 2004 has the same information. Correction is required. For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Section 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

As the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135 (c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF TIME ARE AVAILABLE UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope A. Robinson whose telephone number is 571-272-0957. The examiner can normally be reached on Monday-Friday from 9:00 a.m. to 6:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S.F. Low can be reached on 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hope Robinson, MS  
Patent Examiner

*Karen Cochrane Carlson*  
KAREN COCHRANE CARLSON, Ph.D.  
PRIMARY EXAMINER